

Part 5

Unlawful and Unprofessional Conduct - Penalties

58-69-501 Unlawful conduct.

"Unlawful conduct" includes, in addition to the definition in Section 58-1-501:

- (1) administering anesthesia or analgesia in the practice of dentistry or dental hygiene if the individual does not hold a current permit issued by the division authorizing that individual to administer the type of anesthesia or analgesia used;
- (2) practice of dental hygiene by a licensed dental hygienist when not under the supervision of a dentist, or under a written agreement with a dentist who is licensed under this chapter and who is a Utah resident, in accordance with the provisions of this chapter; or
- (3) directing or interfering with a licensed dentist's judgment and competent practice of dentistry.

Amended by Chapter 343, 2015 General Session

58-69-502 Unprofessional conduct.

(1) "Unprofessional conduct" includes, in addition to the definition in Section 58-1-501:

- (a) sharing professional fees with an unlicensed person or paying any person for sending or referring a patient;
 - (b) making an unsubstantiated claim of superiority in training or skill as a dentist or dental hygienist or in the performance of professional services;
 - (c) refusing authorized agents of the division or state or local health authorities access to the facilities related to the practice of dentistry or dental hygiene during normal business hours for the purpose of inspection; and
 - (d) failing to maintain facilities, instruments, equipment, supplies, appliances, or other property or conditions related to the practice of dentistry in a sanitary condition consistent with the standards and ethics of the professions of dentistry or dental hygiene.
- (2) For purposes of Subsection (1)(b), an unsubstantiated claim of superiority:
- (a) includes for the practice of dentistry:
 - (i) advertising or otherwise holding oneself out to the public as practicing a dental specialty in which the dentist has not successfully completed the education specified for the dental specialty as defined by the American Dental Association; and
 - (ii) using the following words in advertising "Endodontist," "Orthodontist," "Oral and Maxillofacial Surgeon," "Specialist," "Board Certified," "Diplomat," "Practice Limited to," "Pediatric Dentist," "Periodontist," or "Limited to Specialty of" when the dentist has not successfully completed the education specified for the dental specialty as defined by the American Dental Association; and
 - (b) does not include a dentist who advertises as being qualified in a recognized specialty area of dental practice so long as each such advertisement, regardless of form, contains a prominent disclaimer that the dentist is licensed as a general dentist or that the specialty services will be provided by a general dentist.

Amended by Chapter 158, 2006 General Session

58-69-503 Penalty for unlawful conduct.

- (1) Any person who violates the unlawful conduct provisions of Subsection 58-1-501(1)(a) and Section 58-69-501 with regard to the practice of dentistry is guilty of a third degree felony.

(2) Any person who violates the unlawful conduct provisions of Subsection 58-1-501(1)(a) with regard to the practice of dental hygiene is guilty of a class A misdemeanor.

Enacted by Chapter 116, 1996 General Session